

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-4117-2025 (O&M)
Date of Decision : 05.02.2025

Anish Mohammad

-Petitioner

V/S

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sahil Gupta, Advocate,
for the petitioner.

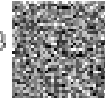
Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Satish Chaudhary, Advocate
for respondents No. 7, 11, 12, 16 to 19 and 22 to 24.

MAHABIR SINGH SINDHU, J.

Present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS, 2023) has been filed seeking directions to respondents No. 2 to 5 for investigation of case FIR No. 143 dated 10.05.2024, under Sections 302 and 506,148 read with Section 149 of the Indian Penal Code, 1860 (for short “IPC”), registered at Police Station Punhana, District Nuh, to be conducted by some senior Police Official not below the rank of Superintendent of Police.

2. Status report dated 01.02.2025 by way of affidavit of Pardeep



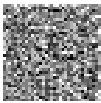
Kumar, HPS, Deputy Superintendent of Police, Punhana, filed on behalf of respondents No.1 to 5 -State is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place. Apart that, learned State counsel has produced two FIRs i.e. FIR No. 0316 dated 23.10.2024, under Sections 115, 305, 324(5), 331(4) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short “BNS, 2023”), registered against petitioner at Police Station Punhana and FIR No. 0376 dated 14.12.2024, under Section 103(1) read with Section 3(5) of BNS, 2023, registered at the instance of petitioner's side at Police Station Punhana, which are taken on record and marked as “X” and “Y” respectively.

3. Perusal of the status report reveals that three accused have already been arrested, whereas police is conducting repeated raids at the residence of 11 other co-accused, but remained unsuccessful to apprehend them. Further reveals that against three accused, who were arrested, report under Section 173 Cr.P.C. has been presented, but charges are yet to be considered.

4. Although, learned counsel for the petitioner made strenuous efforts on the premise that power to order re-investigation lies only with this Court, but taking into consideration the circumstances of present case, no ground is made out for reinvestigation of the matter.

5. In view of the above, there is no option except to dismiss the petition.

6. At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw the petition with liberty to raise all his pleas



before learned trial Court at appropriate stage.

- 7. Disposed off accordingly with liberty aforesaid.
- 8. It is made clear that the observations made herein be not construed as an expression of opinion on the merits of case.

Pending application(s), if any, shall also stand disposed off.

05.02.2025
Satyawar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No